

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 26 February 2019	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved St James's	
Subject of Report	21 Palmer Street, London, SW1H 0AD		
Proposal	Alterations to existing eighth floor and extension to create new tenth floor to provide additional office accommodation.		
Agent	David Lock Associates		
On behalf of	Core UK		
Registered Number	18/10449/FULL	Date amended/ completed	13 December 2018
Date Application Received	11 December 2018		
Historic Building Grade	Unlisted		
Conservation Area	Broadway And Christchurch Gardens		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

The application site is located between St James's underground station entrance to the north and the grade II listed Caxton Hall to the South. The application site is known as the Asticus Building, it is entirely in office (Class B1) use, and comprises basement, ground and nine upper floors (the 8th and 9th floors being set back from the main façade). The building is located within the Broadway and Christchurch Gardens Conservation Area and the Core Central Activities Zone (CAZ).

The applicant seeks permission for alterations (at 8th floor level) and a single storey roof extension to provide a tenth floor; all for office use.

Several objections to the proposals have been received. The objectors are particularly concerned with the impact on their amenity (primarily daylight/sunlight), as well as the overall design.

The key considerations are:

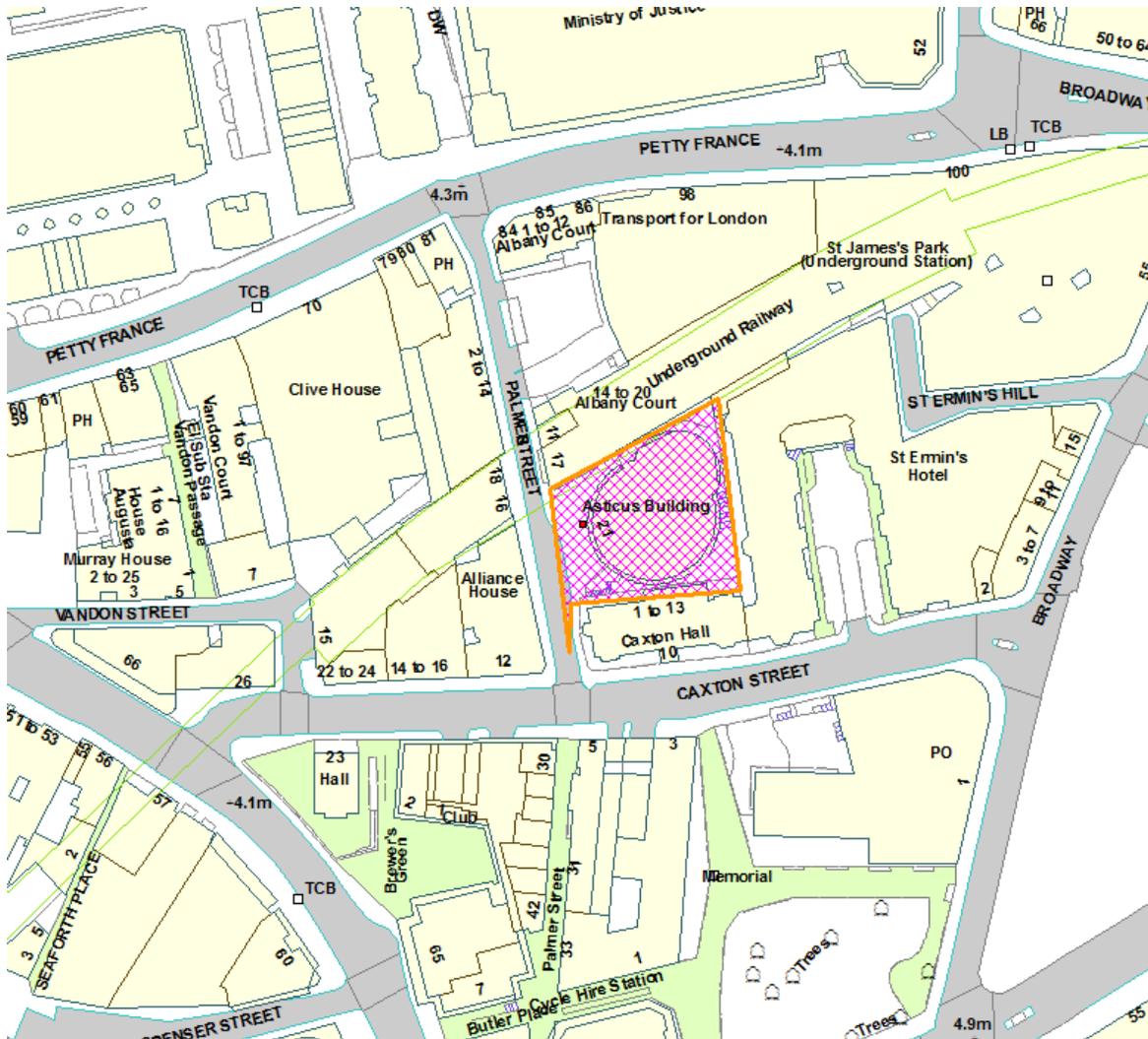
- the acceptability of the additional office floorspace;
- the impact on the Conservation Area and the streetscape;
- the impact on the amenity of neighbouring residents; and
- the impact on the local highway network.

Item No.

1

The application is considered acceptable in land use, design, amenity and highways terms and would comply with the relevant London Plan, City Plan and Unitary Development Plan policies. It is therefore recommended for conditional approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



21 Palmer Street



View from Caxton Street

5. CONSULTATIONS

WESTMINSTER SOCIETY:

Any response to be reported verbally.

VICTORIA NEIGHBOURHOOD FORUM:

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

Does not support the cycle provision, servicing arrangement and waste storage.

WASTE PROJECT OFFICER:

Drawings not in line with the Council's waste and recycling storage requirements.

ENVIRONMENTAL HEALTH:

No objection subject to recommended conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 53

Total No. of replies: 4

No. of objections: 4

No. in support: 0

Four letters of objection on the following grounds:

Amenity

- find difficult to make sense of the daylight and sunlight "calculations"
- loss of daylight and sunlight
- windows missing in the sunlight assessment and terrace not included in the study
- daylight and sunlight assessment not adapted for cities; "greater flexibility" requires clarification
- loss of privacy
- light pollution
- construction impacts in terms of traffic, noise, vibration, dust to residents and businesses
- environmental impact of ongoing redevelopment in terms of traffic, noise and pollution

Design

- existing building dwarfs the neighbouring buildings, out of scale and keeping with the adjacent listed building and conservation area.
- no views of the relationship between Asticus building and Albany Court

Land Use

- the extension is purely speculative

Highways

- Increased pedestrian and cycle traffic – safety risk

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

21 Palmer Street known as the Asticus Building is a 10 storey building plus basement designed as an elongated drum. The site lies within the Core Central Activities Zone (CAZ) and the Broadway and Christchurch Gardens Conservation Area. The entire building is in office use.

The surrounding area contains a mixture of uses and building typology. The grade II listed Caxton Hall in residential use is located to the south of the site. To the north of the Asticus Building there is the South wing of the Albany Court, a five-storey apartment block, and the entrance to the St James's underground station. On the opposite side of Palmer Street there is the 7-storey Alliance Hall building, with recessed upper levels, in office use and a mixed use A1/A3 single storey building with an attic space (16-18 Palmer Street). The east of the application site is occupied by the Grade II listed St Ermin's hotel.

6.2 Recent Relevant History

02/09835/FULL

Planning permission was granted on 13 April 2003 for the retention and restoration of the front part of the building (Caxton Hall) to provide 13 self-contained flats and demolition and redevelopment of the rear part to provide a new office building of basement, ground and nine upper floors.

06/05830/FULL

On 14 December 2006 permission was granted to remove condition 7 of the 2003 permission to allow the occupation of the office building prior to the completion of the residential refurbishment of Caxton Hall due to delays in the listed building works and the selling of the site in two separate parts.

7. THE PROPOSAL

Permission is sought for an extension of the 8th floor level to be in line with the lower floors and an additional tenth floor level to provide additional floorspace.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office use	7362	7964	+602 (+9.7%)

8. DETAILED CONSIDERATIONS

8.1 Land Use

City Plan policy S20 directs new office floorspace to the Core CAZ, amongst other locations. Policy S1 relates to mixed use within the CAZ, requiring the provision of residential use where there is a net increase in office floorspace. This does not apply where the net additional floorspace is less than 30% of the existing floorspace, or less than 400 square metres. The proposed net increase in office floorspace is 602 square metres (9.7% increase), well below the threshold for the application of policy S1.

One objector queries the need for additional office space in this location when a new major office development is nearing completion (sites nearby on Buckingham Gate). The provision of additional floorspace in the Core CAZ is supported by the Council's policies, it is not considered that provision of B1 use in the adjoining area is a reason to prevent an increase in office floorspace at the application site.

The principle of additional office floorspace in this location is acceptable in land use policy terms.

8.2 Townscape and Design

Several objectors explained their design and heritage concerns, mentioning that the existing building is already out-of-scale and dwarfs the neighbouring buildings. One objector states that the relationship between the application site and Albany Court is not appropriately assessed in the application documents. In terms of the application documents, they are considered to deal adequately with the relationship of the site to adjacent buildings, which, in conjunction with officer site visits have enabled full consideration of the impact of the scheme on the surrounding townscape.

Positioned between St James's underground station entrance and Albany Court to the north and Caxton Hall to the South, Asticus Building is a notable contemporary addition to the townscape and the Broadway and Christchurch Gardens conservation Area.

Set back from the building line of neighbouring buildings, including grade II listed Caxton Hall, the Asticus Building rises nine floors above ground floor level and includes a basement. The main body of the building is rotund structure with glass bays articulated by external pre-cast stone frame. The glazed top floor accentuated by vertical fins is recessed and has a light-weight quality.

Proposals seek an additional tenth floor to provide additional office space. This is achieved by extending the eighth floor creating a continuation of the pre-cast frame, and an additional storey to the crown above the ninth floor.

By extending at both the eighth and above ninth floor level, a more seamless extension is created, which imitates the existing design and proportions. As a result the relationship between the principal building and the crown is maintained and the additional height less apparent.

By virtue of its increased height the building will become more prominent particularly in views from the junction of Caxton Street and Broadway, as well as directly south from

the junction of Palmer Street and Caxton Street. However the increased prominence of the building is not considered overbearing, particularly given its wider context. The additional height is not considered harmful to street views, or the character and appearance of the area.

Matching exactly the design details and materials of the existing building is fundamental to the acceptability of the proposals. Samples views on site would suggest this will be achievable.

The proposals are not opposed on design grounds, and for the reasons set out above withholding permission on design or impact on the adjoining listed building and the character and appearance of the conservation area are not considered reasonable. It is considered therefore that the proposals comply with the City Plan policies S25 and S28, and DES1, DES5 and DES6 of the UDP.

8.3 Residential Amenity

8.3.1 Sunlight and Daylight

Local residents and businesses are concerned regarding the potential impact of the proposals on the amount of daylight and sunlight received by their windows.

UDP Policy ENV13 seeks to protect existing premises, particularly residential from a loss of daylight and sunlight as a result of new development. Permission would not normally be granted where developments result in a material loss of daylight or sunlight.

A daylight and sunlight report has been submitted in support of the application to demonstrate compliance with the BRE Guide. The assessment considers the properties below:

- Flats 14 to 20 Albany Court
- Caxton Hall
- St Ermin's Hotel
- 6th floor windows at Alliance House

Residential properties beyond these are considered too distant from the subject property to result potentially in unacceptable light loss. Only the 6th floor level windows within Alliance House have been tested as the caretaker flat is located at this level.

One objector queried the pertinence using the BRE methodology in an urban location, stating that the guide is based on low-density suburban housing model. The BRE stress that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances such as denser inner city environments. Whilst it is accepted that the BRE model is a guide based on a suburban model, it remains an objective means of assessing an application and enables effective comparison of daylight/sunlight impacts.

Officers have reviewed the study and found that the development complies with BRE guidelines as set out below.

In assessing daylight levels, the Vertical Sky Component (VSC) is the most commonly used method. It is a measure of the amount of light reaching the outside face of a window. If the VSC achieves 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. The BRE guide also recommends consideration of the distribution of light within rooms served by these windows, known as the No Sky Line (NSL) method. This is a measurement of the area of working place within these rooms that will receive direct daylight from those that cannot. The BRE guide suggest that reductions from existing values of more than 20% should be avoided, as occupiers are likely to notice the change.

Of the properties listed above, the daylight assessment shows that one window will fail the NSL criteria. A basement window in the St Ermin's Hotel identified as R9/79 shows a loss of 54%. Our records show that in that property the basement level primary houses plant and back of house operation and as such the windows is not considered worthy of protection. All the other windows will not have VSC or NSL losses that exceed the parameters set out within the BRE guide.

One objector refers to additional loss up to 18% VSC to windows with already existing substandard VSC in Albany Court, immediately to the north of the application site. Albany Court has flats at first to fourth floors with kitchen and bedroom windows facing the application site. It is accepted that daylight levels are already fairly low, largely due to small windows to the kitchens facing the application site, as well as the presence of a fire escape stair passing in close proximity to these windows.

During the assessment of the 13 April 2003 permission it was noted in the Committee report that the quality of light and sun to the south-east facing windows of the south wing of Albany Court would be reduced as the result of the proposals. The levels will be affected by the proposed extension, but not to an extent that can be judged as 'material'. Moreover all the flats benefit from dual aspect at least, with living areas facing Palmer Street or to the north side of Albany Court which has an open aspect.

With regards to sunlight, the BRE guidelines state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours (APSH), including at least 5% of annual winter sunlight hours. A room will be adversely affected if the resulting sunlight level is less than the recommended standards and reduced by more than 20% of its former values and if it has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

The APSH results show a transgression for one window at 3rd floor level in Albany Court identified as W4/63 with a loss of 40%. This window serves a kitchen which does not appear to accommodate a dining area. The other window serving the same flat on that elevation still complies with APSH criteria. Given the nature of room affected, the size of the flat and its dual aspect character it is not considered reasonable to refuse permission on loss of sunlight for that property.

One resident at Albany Court queried the absence of window identified as W1/63 (3rd floor level, Albany Court) from the APSH. The three windows on that elevation have not been included in that test as they do not face within 90° of due south and therefore do not require assessment in terms of sunlight.

An Albany Court resident highlighted that an existing terrace for the residents has been misidentified as a “recessed lightwell” in the daylight and sunlight report and no overshadowing assessment has been carried out. A site visit to the property has confirmed the presence of the communal outdoor area at first floor level, although it does not appear to be a formal terrace, but a flat roof accessed via the fire escape. Given the position of the terrace at first floor and its orientation in relation to the existing building, it is not considered that the extension will give rise to additional unacceptable overshadowing.

Accordingly, the resulting daylight and sunlight levels would be consistent with policy S29 of the City Plan and ENV13 of the UDP.

8.3.2 Sense of Enclosure

Given the existing relationship between the application site and neighbouring properties, it is not considered that the increase at 8th floor level and the one-storey roof extension will result in a significant increase in sense of enclosure for the occupants of the neighbouring buildings.

8.3.3 Privacy

The development would not introduce windows in any elevation of the building that does not already contain windows.

The occupier of the caretaker’s flat in Alliance House is concerned about overlooking from the extension. Given that the windows to the flat are set well back from the street elevation of Alliance House, and therefore over a full street width away from the application site, it is not considered that it would be reasonable to conclude there would be a material loss of privacy on this occasion.

The existing terrace at 8th floor level will be reprovided at 9th floor level. Given it is an existing outdoor area for the office users and the height at 9th floor takes it further away from Albany House and Caxton Hall windows, it is acceptable in amenity terms.

8.4 Transportation/Parking

One objector stated that the proposals will lead to increased pedestrian and cycle traffic raising the risk of harm.

It is accepted that the majority of trips associated with the site (excluding servicing activity) will be via public transport or other sustainable modes (eg walking, cycling). It is not considered that the increase in floorspace will have a significantly detrimental impact on the safety and operation of the highway network.

The London Plan Policy 6.9 requires 1 space per 90sqm of B1 office. 715sqm of additional office floorspace would require 8 cycle parking spaces. The plans show the provision of 10 additional cycle parking and provision of ancillary support cycling

facilities. Whilst it is noted that the cycle parking is located externally at basement level, this is part of the original building arrangement, therefore in this instance it is considered satisfactory. The additional cycle storage will be secured by condition.

Policy S42 of the City Plan and policy TRANS20 of the UDP require off-street servicing. The Highways Planning Manager commented that whilst not ideal it is accepted that the proposed extension will only create a minimal increase in servicing requirement and these would occur in a similar fashion to the current arrangements. The hours of servicing will be controlled by condition as per the original permission.

8.5 Economic Considerations

Any economic benefits generated from this scheme are welcomed.

8.6 Access

Level access and lifts are provided to the existing building and extension.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Plant

The plant is currently existing at roof level and it will be relocated on top of the 9th floor level. An acoustic report has been submitted in support of the application. The nearest sensitive property is the St Ermin's Hotel. The Council's Environmental Health officer noted that the hotel rooms would benefit from greater screening attenuation from the building enveloped than they currently enjoy. The calculations are considered accurate and plant would meet the Council's noise requirements.

Subject to the Council's standard noise conditions on noise and vibration, the proposals do not raise concerns.

8.7.2 Refuse /Recycling

No details of waste and recycling storage are shown on the drawings. However it is accepted that the existing building has some off-street waste storage as detailed in the Service plan submitted. This is considered sufficient information.

8.7.3 Sustainability

5.2 of the London Plan refers to minimising carbon dioxide emissions and states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be Lean-Use less energy.
2. Be Clean-Supply energy efficiently.
3. Be Green-Use renewable energy.

Policy S28 of the City Plan requires developments to incorporate exemplary standards of sustainable and inclusive urban design and architecture.

It is expected to achieve 43.97% regulated carbon savings in comparison to existing building through fabric insulation, high performance glazing, improved air tightness, LED lighting and daylight controls. This is welcomed.

As the existing plant is in good operating condition, the additional floorspace will be using it.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 started on Monday 12 November 2018 and will close on Friday 21 December 2018. Following this informal consultation, any representations received will be considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

8.9 Neighbourhood Plans

Not applicable in this location.

8.10 London Plan

This application raises no strategic issues.

8.11 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the Council's Code of Construction Practice. The applicants have accepted the condition.

8.12 Planning Obligations

Planning obligations are not relevant in the determination of this application.

The estimated CIL payment is £50,979.82 for the Mayoral CIL and £167,800.74 for the Westminster CIL.

8.13 Environmental Impact Assessment

The proposals are of insufficient scale to require an environmental assessment.

8.14 Other Issues

8.14.1 Construction impact

Objections have been received from neighbouring properties regarding the impact of construction noise, dust and traffic, in particular in a context of redevelopment of other sites in the area.

It is a longstanding principle that planning permission cannot be refused due to the impact on construction. This is due to its temporary nature and the ability to control it by condition. Accordingly, conditions are recommended that limit the hours of construction and require the adherence to the City Council's Code of Construction Practice (CoCP). Whilst the Code of Construction Practice is generally applicable to major schemes, this site is considered to be a sensitive location in terms of construction impact in terms of the narrow surrounding streets and close proximity of residential properties. Some additional structural work is likely to be required at lower levels to ensure the existing structure can accommodate the new extensions, and whilst there is a 'forecourt' area in front of the building which could potentially accommodate deliveries etc, there is some public art which may require removal and relocation during the course of the works. As such, given the potential issues involved in construction management, it is considered appropriate to attach the standard pre-commencement condition requiring evidence of adherence to the CoCP.

An informative is recommended to encourage the applicant to join the nationally recognized Considerate Constructor Scheme as well as keeping residents informed concerning the works.

8.14.2 Light pollution

An objector commented that office users keep the lights on for 24hours causing light pollution.

It is not considered that the proposed alterations at 8th floor level and roof extension will have materially alter light levels outside the development. Nevertheless the applicant will be reminded via informative of the importance of turning off the artificial lights when not needed to reduce any potential adverse effects to the residential properties in close proximity. The informative will also refer to the section 102 of the Clean Neighbourhoods and Environment Act 2005 under which a neighbour can ask the Council to take action to stop the nuisance.

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: LOUISE FRANCIS BY EMAIL AT lfrancis@westminster.gov.uk

9. KEY DRAWINGS



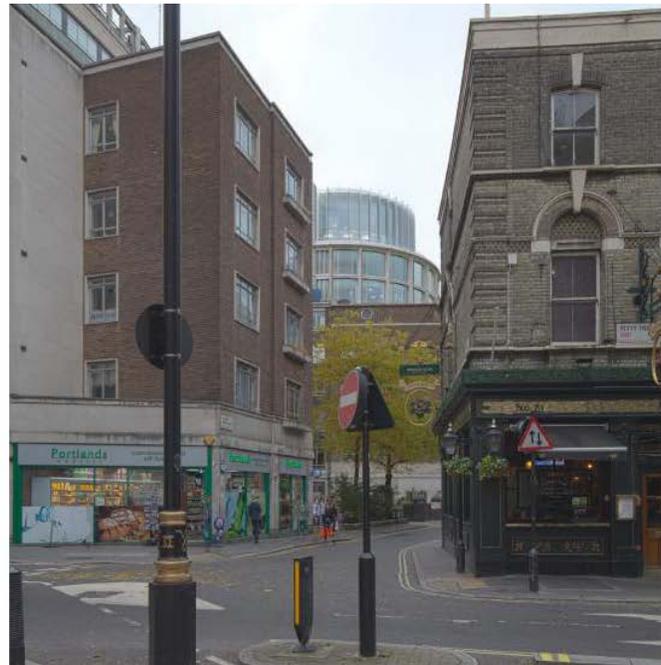
Existing view – from Caxton Street



Proposed view



Existing view – corner of Palmer St/Petty France



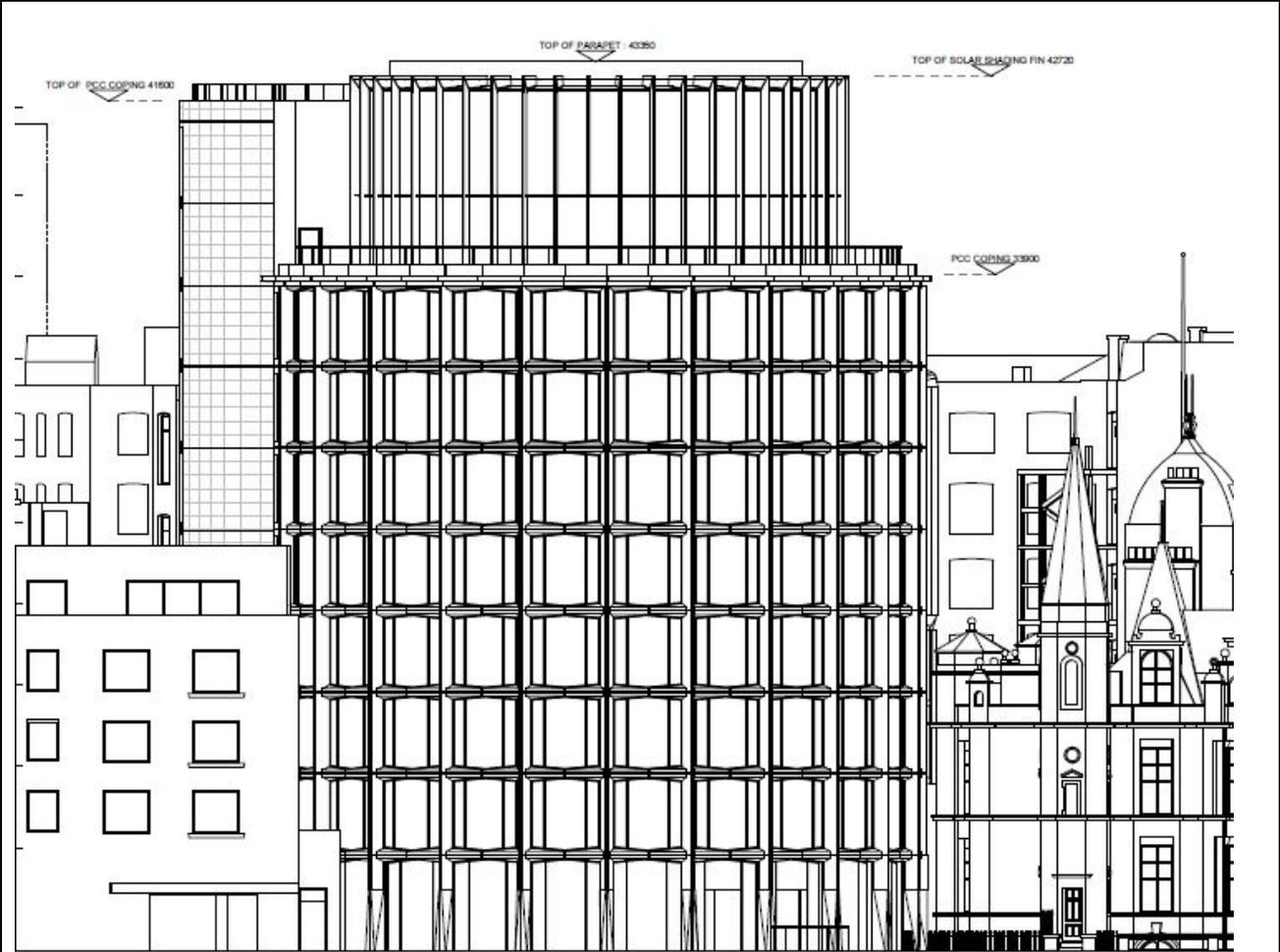
Proposed view



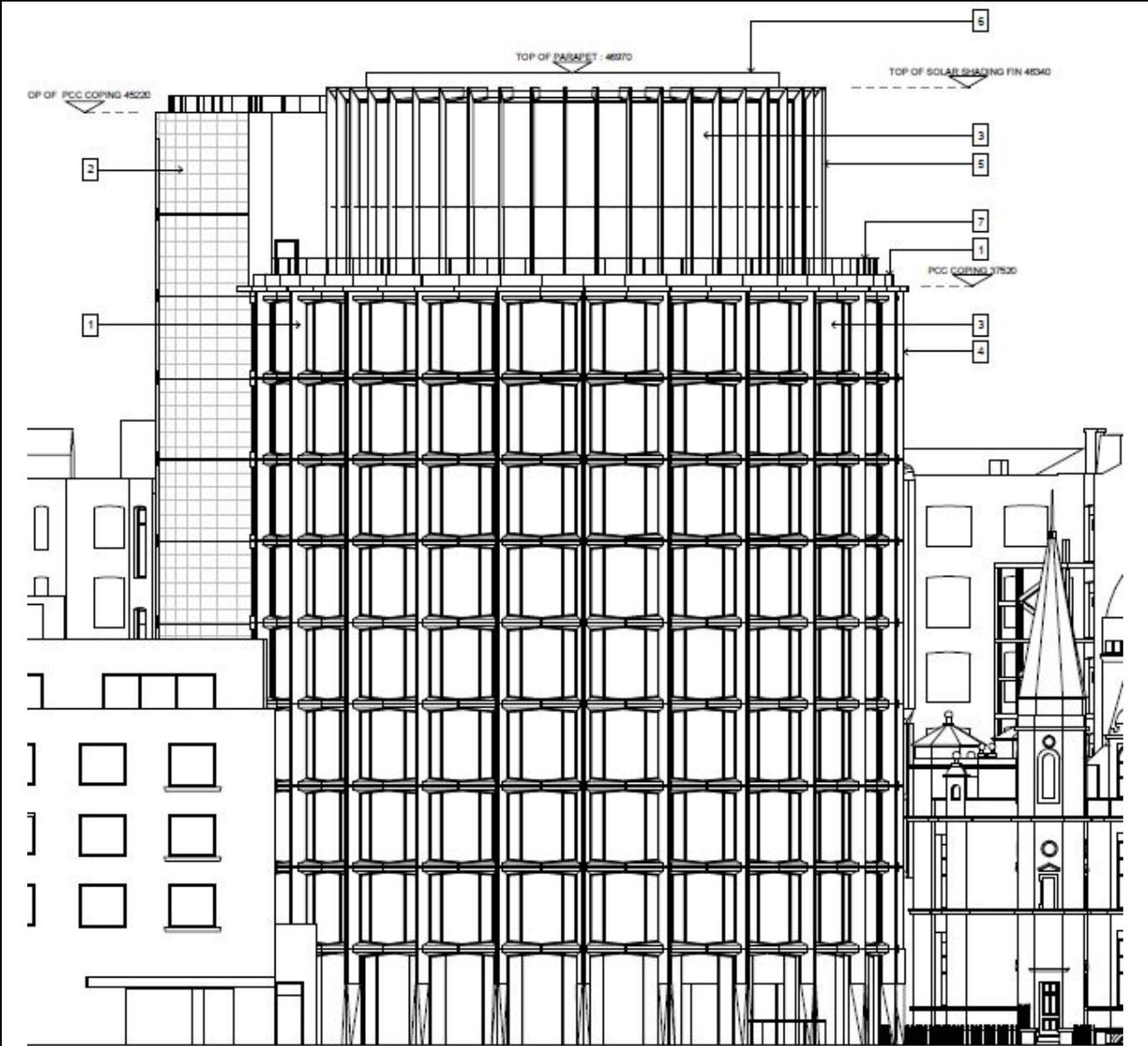
View from corner of Caxton Street and Broadway
Existing



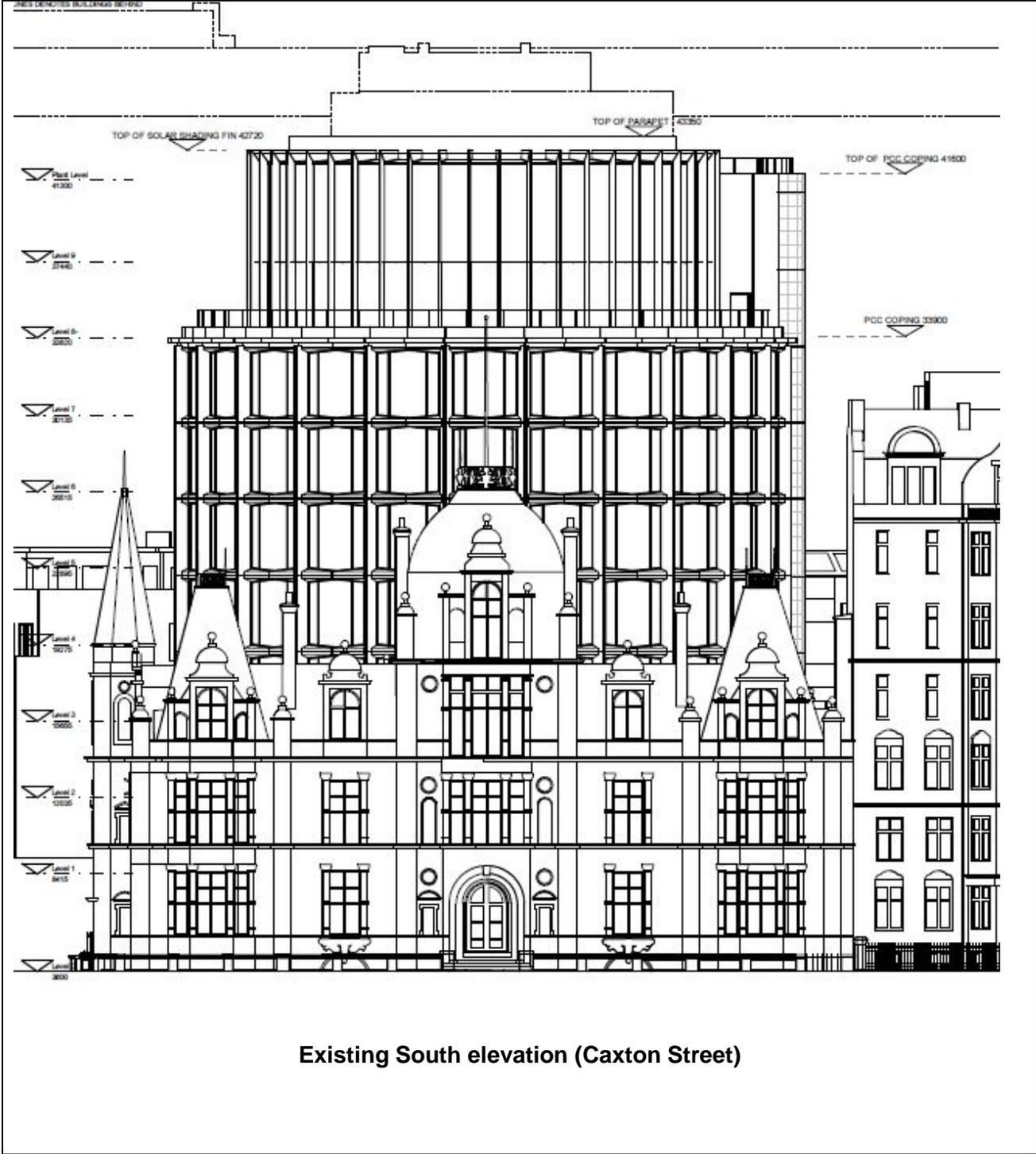
Proposed



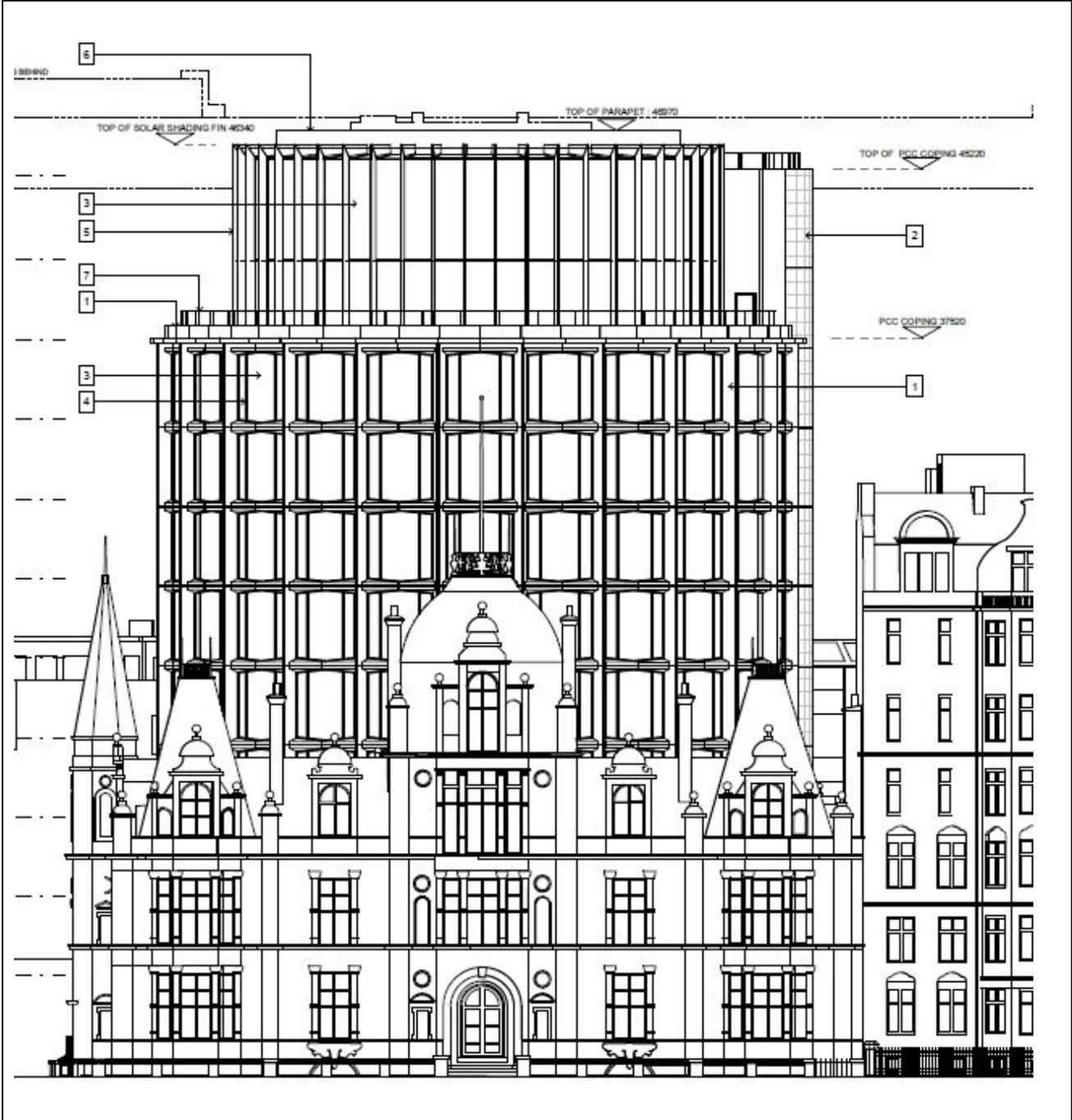
Existing West elevation (Palmer Street)



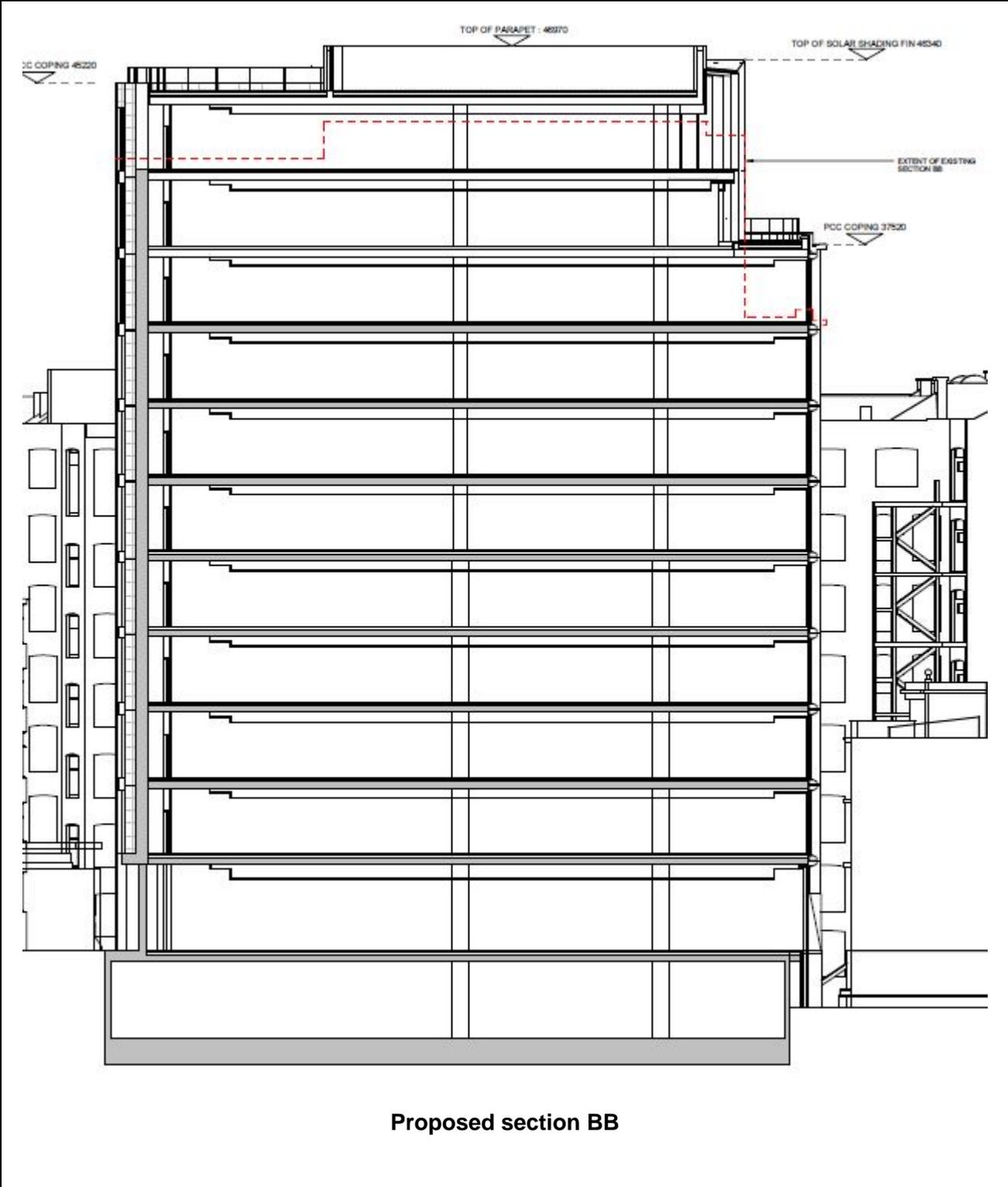
Proposed West elevation (Palmer Street)



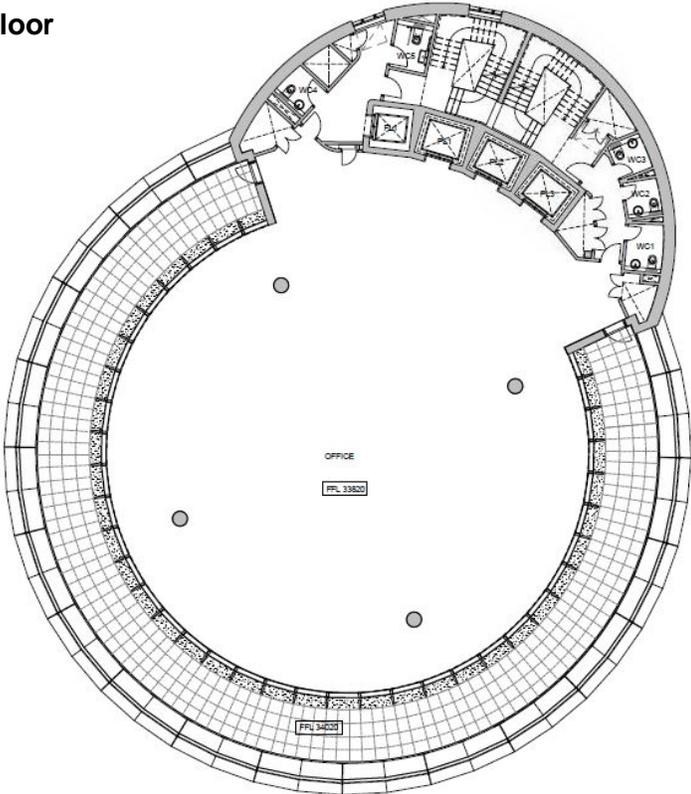
Existing South elevation (Caxton Street)



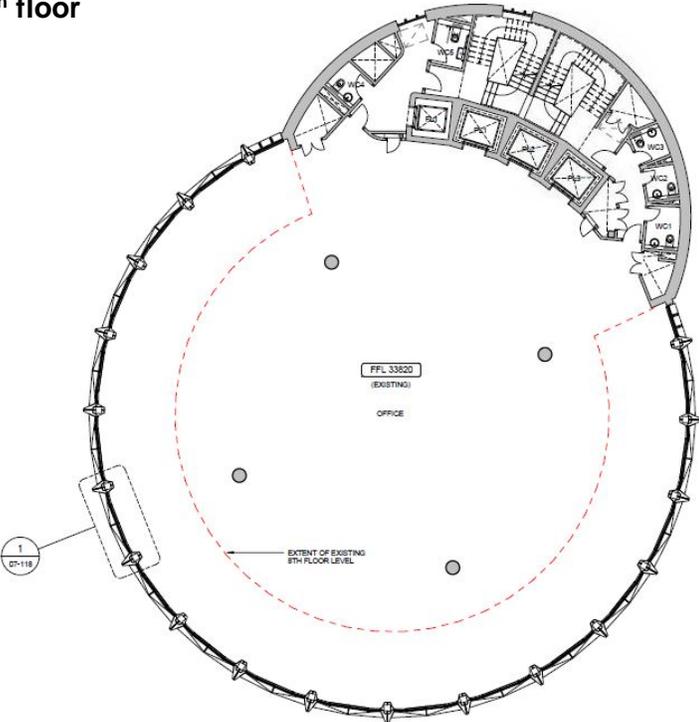
Proposed South elevation (Caxton Street)



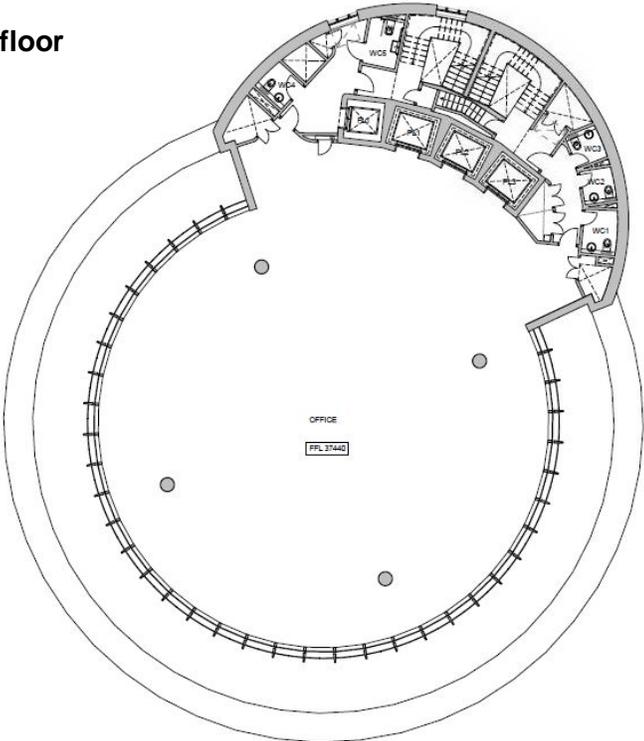
Existing 8th floor



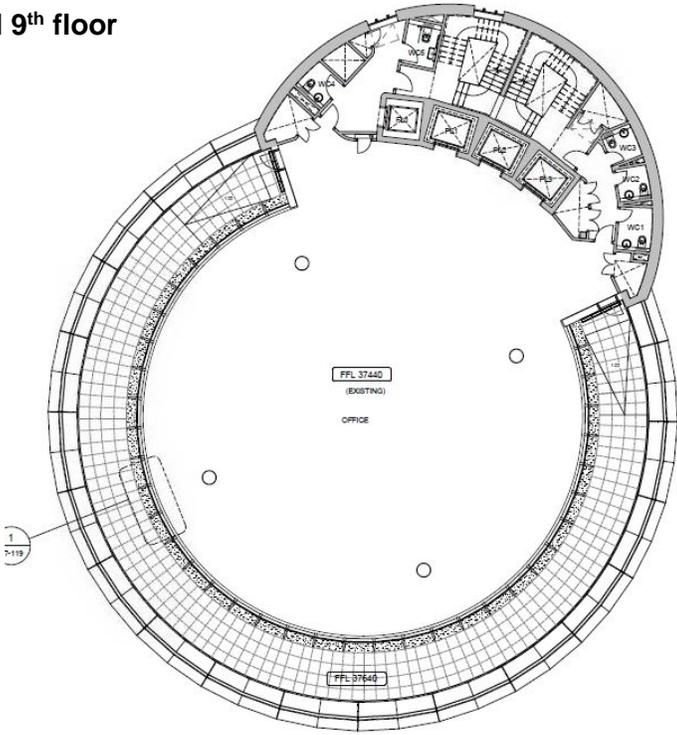
Proposed 8th floor

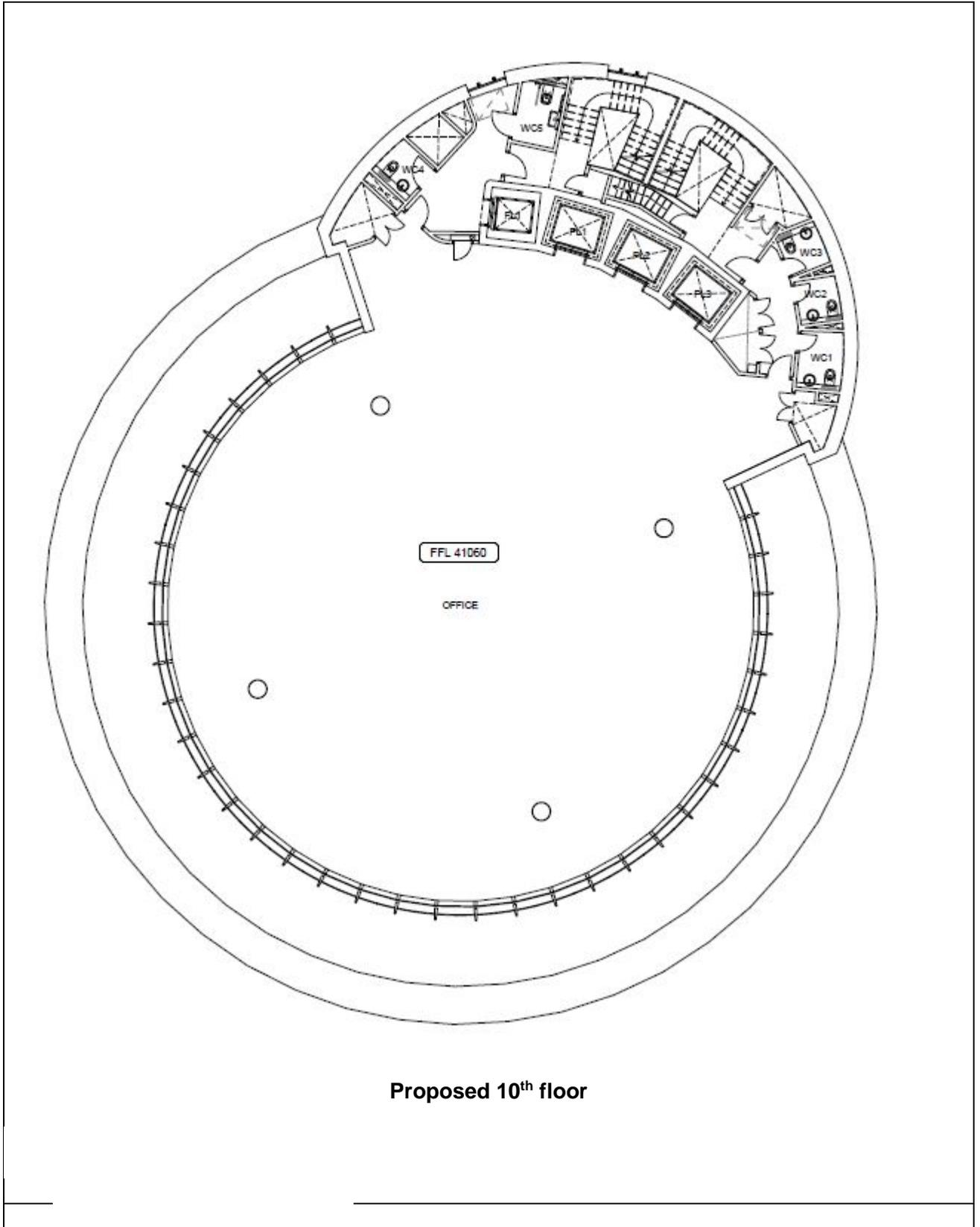


Existing 9th floor



Proposed 9th floor





Proposed 10th floor

DRAFT DECISION LETTER

Address: 21 Palmer Street, London, SW1H 0AD

Proposal: Alterations to existing eighth floor and extension to create new tenth floor to provide additional office accommodation.

Reference: 18/10449/FULL

Plan Nos: 21710-07-097 A; 21710-07-098 B; 21710-07-099 C; 21710-07-100 C; 21710-07-108 C; 21710-07-109 C; 21710-07-110 B; 21710-07-111 B; 21710-07-112 B; 21710-07-113 B; 21710-07-114 B; 21710-07-115 B; 21710-07-116 B; 21710-07-117 B; 21710-07-118 B; 21710-07-119 B; 21710-07-129 A; 21710-07-130 A; 21710-07-138 B; 21710-01-139 B; 21710-07-140 B; 21710-07-142 B; 21710-07-143 B; 21710-07-144 B; 21710-07-145 B; 21710-07-146 B; 21710-07-147 B; 21710-SD-F02-001 B; 2096(M)11/SK:01 N1; Acoustic report 18254.PCR.01; Service plan dated October 2018.

For information only: Planning statement dated December 2018; Design and access statement 21710-RO-F04-005; Daylight and sunlight report dated 22.11.2018; Heritage statement dated December 2018; Utilities and Ventilation Report dated 30.11.18; Structural Statement 50017-R02; Construction Management Plan dated November 2018 Rev. 2; SUDs Assessment LBH3329suds Ver 1.1; Sustainable Energy Assessment Report dated 27.11.18.

Case Officer: Aurore Manceau

Direct Tel. No. 020 7641 7013

Recommended Condition(s) and Reason(s)

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
 - between 08.00 and 18.00 Monday to Friday;
 - between 08.00 and 13.00 on Saturday; and
 - not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- between 08.00 and 18.00 Monday to Friday; and
- not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Broadway and Christchurch Gardens Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:, (a) A schedule of all plant and equipment that formed part of this application;; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;; (c) Manufacturer specifications of sound emissions in octave or third octave detail;; (d) The location of most affected noise sensitive receptor location and the most affected window of it;; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;; (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;; (h) Measurement evidence and any calculations

demonstrating that plant and equipment complies with the planning condition;, (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

- 5 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

- 6 All servicing of the office floorspace must take place between 0900 hrs and 1800 hrs on Monday to Fridays, 0900 hrs to 1300 hrs on Saturdays and not at all on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23CA)

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

7 **Pre commencement condition**

Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its written approval of such an application (C11CC)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 8 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Conditions control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 3 You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website <https://www.westminster.gov.uk/contact-us-building-control>
- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 5 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following: , , * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible; , , * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant. , , Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during

future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm. , , It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 6 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following., * Window cleaning - where possible, install windows that can be cleaned safely from within the building., * Internal atria - design these spaces so that glazing can be safely cleaned and maintained., * Lighting - ensure luminaires can be safely accessed for replacement., * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission)., More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/falls/index.htm. , , Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)
- 7 You are advised that lighting must be designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005).

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.